

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,	:
v.	: Case No. 3:09-cr-42-KRG-KAP
BRIAN DAGOSTINO,	: (Case No. 3:17-cv-34-KRG-KAP)
Movant	:

Memorandum Order

This matter was referred to Magistrate Judge Keith A. Pesto for proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636, and Local Civil Rule 72.

The Magistrate Judge filed a Report and Recommendation on October 20, 2017, ECF no. 117, recommending that movant's motion to vacate at ECF no. 109 be denied without a certificate of appealability.

The parties were notified that pursuant to 28 U.S.C. § 636(b)(1), they had fourteen days to file written objections. Plaintiff filed timely objections, ECF no. 118, that I have reviewed *de novo* but reject.

After *de novo* review of the record, the Report and Recommendation, and the timely objections thereto, the following order is entered:

AND NOW, this 28th day of March, 2018, it is

ORDERED that the motion to vacate, ECF no. 109, is denied without a certificate of appealability. The Report and Recommendation at ECF no. 117 is adopted as the opinion of the Court. The Clerk shall mark the civil matter closed.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kim R. Gibson". The signature is written in a cursive, flowing style. It is positioned above a horizontal line.

KIM R. GIBSON,
UNITED STATES DISTRICT JUDGE

Notice to counsel of record by ECF and by U.S. Mail to:

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